

439-01/DPM

FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Petitioner A.P. Moller-Maersk A/S  
80 Pine Street  
New York, NY 10005  
(212) 425-1900  
(212) 425-1901 fax  
Don P. Murnane, Jr. (DM 3639)  
Manuel A. Molina (MM 1017)

JUDGE BATTS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CV 1750  
07 CV \_\_\_\_\_ ( )

-----X  
A.P. MOLLER-MAERSK A/S,

Petitioner,

- against -

AGROWEST S.A., DOSVALLES S.A., AND  
COMEXA S.A.,

Respondents.  
-----X

**NOTICE OF MOTION TO COMPEL  
ARBITRATION IN ACCORDANCE  
WITH ARBITRATION  
AGREEMENT**

SIRS:


PLEASE TAKE NOTICE that on the accompanying Verified Petition of A.P. MOLLER-MAERSK A/S and the supporting Declaration of Aogu Andrew Tsukamoto, the Affidavit of Don P. Murnane, Jr., and the Memorandum of Law, Petitioner will move this Court, pursuant to the Federal Arbitration Act 9 U.S.C. §§1-208, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York on the \_\_\_\_ day of March 2007 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an order (1) directing Respondents to proceed immediately to arbitration in accordance with the arbitration agreement set forth in the applicable Service Contract dated December 15, 2000, all as is described in the Petition annexed hereto; (2) disqualifying Respondents' arbitral nominee, J. David Stark, from serving as arbitrator in the proceedings; (3) requiring that Respondents, within twenty (20) days, appoint a different arbitrator in compliance with the arbitration agreement contained in the Service

Contract, failing which Petitioners will be permitted to appoint an arbitrator on Respondents' behalf; (4) ordering Respondents to pay the costs and fees of this Petition; and (5) granting such other, further and different relief as the Court may deem just and proper in the premises.

Dated: New York, New York  
February 28, 2007

FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Petitioner  
A.P. MOLLER-MAERSK A/S

By:

  
Don P. Murrane, Jr. (DM 3639)  
Manuel A. Molina (MM 1017)  
80 Pine Street  
New York, NY 10005  
(212) 425-1900  
(212) 425-1901 fax

To: **BY EXPRESS MAIL – DHL COURIER**

**Agrowest S.A.**  
Calle 50  
Torre/Edificio Dresdner Bank  
Piso 8, Panama, Panama Ciudad  
Attn: Manuel F. Haito S.

**DosValles S.A.**  
Calle 50  
Torre/Edificio Dresdner Bank  
Piso 8, Panama, Panama Ciudad  
Attn: Manuel F. Haito S.

**Comexa S.A.**  
Via La Isla  
Barriada El Aserrio  
Chitre, Provincia de Herrera, Panama  
Attn: Manuel F. Haito S.  
-and-

Calle 50  
Torre/Edificio Dresdner Bank  
Piso 8, Panama, Panama Ciudad  
Attn: Manuel F. Haito S.

cc: **BY FEDERAL EXPRESS**  
Clark Atchison & Reisert  
7800 River Road – Suite 2  
North Bergen N. J. 07047  
Attn: Peter D. Clark, Esq.